

# Notice of Allowability

## Application No.

09/869,849

## Examiner

Fenn C Mathew

## Applicant(s)

FISHER, HAROLD

## Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/18/2004.
2. ☒ The allowed claim(s) is/are 1 and 6.
3. ☒ The drawings filed on 06 October 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**MICHAEL A. BROWN**  
**PRIMARY EXAMINER**

### **DETAILED ACTION**

This action is responsive to the after-final amendment filed on March 18, 2004. The amendment has been entered, and as directed by the applicant, claim 5 has been cancelled, and claim 1 has been amended.

#### ***Allowable Subject Matter***

1. Claims 1 and 6 are allowed. The following is an examiner's statement of reasons for allowance: Starrett (U.S. 3,888,482) teaches a device including a thumb stabilizing component, for securing the thumb of a user to the adjacent index finger permitting the thumb to move toward the index finger but limiting movement of the thumb away from the index finger, the thumb stabilizing component comprising an index finger receiving section, and a thumb receiving section connected by a non-extendable flexible connector, and a positioning component comprising an elongated strap having a first end secured to the thumb stabilizing component at a point between the thumb receiving section and the index finger receiving section. Starrett fails to teach the splint incorporated into a glove. Furr (U.S. 5,188,356) also teaches a thumb stabilizing component, for securing the thumb of a user to the adjacent index finger permitting the thumb to move toward the index finger but limiting movement of the thumb away from the index finger, the thumb stabilizing component comprising an index finger receiving section, and a thumb receiving section connected by a non-extendable flexible connector, and a positioning component comprising an elongated strap having a first end secured to the thumb stabilizing component at a point between the thumb receiving

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section and the index finger receiving section. Furr also fails to teach the splint incorporated in a glove. Lanz (AT 401,868) teaches a thumb stabilizing component, for securing the thumb of a user to the adjacent index finger permitting the thumb to move toward the index finger but limiting movement of the thumb away from the index finger, the thumb stabilizing component comprising an index finger receiving section, and a thumb receiving section connected by a non-extendable flexible connector, and a positioning component comprising an elongated strap having a first end secured to the thumb stabilizing component at a point between the thumb receiving section and the index finger receiving section, and further teaches the device incorporated into a splint, but fails to teach the positioning strap having a sufficient length to wrap along the palm and then around the wrist and along the backside of the hand.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C Mathew whose telephone number is (703) 305-2846. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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April 6, 2004

*Michael A. Brown*

MICHAEL A. BROWN  
PRIMARY EXAMINER